

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WANDA ALLEN, et al. : CIVIL ACTION
:
v. :
:
THE SCHOOL REFORM :
COMMISSION, et al. : NO. 15-6105

ORDER

AND NOW, this 2nd day of February, 2017, upon consideration of Defendants' Motion to Dismiss for Failure to State a Claim (Docket No. 16), and all documents filed in connection therewith, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** and the Second Amended Complaint is **DISMISSED** to the extent that Plaintiffs seek to pursue their claim that they were discriminated against on the basis of their age in violation of the ADEA under the disparate-impact theory.
2. The Motion is **GRANTED** insofar as it seeks the dismissal of Dr. William Hite as a party to this suit and Dr. William Hite is **DISMISSED** as a party to this action.
3. The Motion is **GRANTED** as to any claims for violation of Plaintiffs' state and federal constitutional rights and such claims are **DISMISSED WITH PREJUDICE**.

4. The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.